

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/EP2004/003601

International filing date (day/month/year)
05.04.2004

Priority date (day/month/year)
17.02.2004

International Patent Classification (IPC) or both national classification and IPC
G06F9/445

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/003601

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
 2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
 3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
 4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/003601

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	4, 6-9, 11-16, 18
	No:	Claims	1, 2, 3, 5, 10, 17
Inventive step (IS)	Yes:	Claims	
	No:	Claims	4, 6-9, 11-16, 18

Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.
PCT/EP2004/003601

- 1 The following documents are referred to in this communication:

D1: US 2003/065738 A1 (PORTER MERLIE STEVE ET AL) 3 April 2003

D2: DE 199 10 733 A (HOEFLER FLORIAN) 14 September 2000

- 2 The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of **claims 1, 2, 3, 5, 10, 17** is not novel in the sense of Rule 64 PCT.

- 2.1 *D1 discloses (fig. 8x, 11; [0088]-[0110]) a process to supply, on a terminal (mobile device 810), a multimedia application (installing an application program 1260, see [0109]) using a programming agent, comprising the following steps:*

- * automatically send from an applications server (application server 840) to the terminal a digital data medium containing the programming agent, the programming agent being an encoded application program placed in the digital data medium (*the application server 840 ... composes it into a short message and sends the message ... to mobile device 810; see [0091]*), based on the digital data of a first message initially sent from the terminal to said applications server (*Application manager 811 operating on the mobile device 810 generates and sends a data-update request to application server 840 via a command short wireless message; see [0090]*);;
- * automatically extract, from the terminal, the programming agent from the digital data media (*parsing the SMS message, see [0102]*);
- * automatically save the programming agent in the terminal (*When SMS messages arrive to the mobile device, the messages are stored in a message storage memory, see [0102]*).

The subject-matter of **claims 1, 5** is therefore not novel.

- 2.2 *D1 further discloses that the digital data medium is a multimedia message of MMS type (D1::claims 16, 18).*

The subject-matter of **claim 2** is therefore not novel.

- 2.3 *D1 further discloses that the first message is an SMS message (D1::claim 24).*

The subject-matter of **claim 3** is therefore not novel.

- 2.4 *D1 further discloses that the code data of the programming agent are automatically destroyed when the programming agent is deactivated (...the SMS message is removed..., see [0106]).*

The subject-matter of **claim 10** is therefore not novel.

- 2.5 *D1 further discloses that the terminal is a mobile terminal (mobile communication device).*

The subject-matter of **claim 17** is therefore not novel.

- 3 The present application does not meet the requirements of Article 33(3) PCT, because the subject-matter of **claims 4, 6-9, 11-16, 18** does not involve an inventive step in the sense of Rule 65 PCT.

- 3.1 To the skilled person, it is a standard practice to use to display a programming agent, that has been saved in the terminal, in a format such as alphanumeric or an icon.

Therefore, the subject matter of **claim 4** does not involve an inventive step.

- 3.2 To the person skilled in the art, it is a matter of normal design procedure to automatically perform a payment request for sending the digital data medium to the terminal.

Therefore, the subject matter of **claim 6** does not involve an inventive step.

- 3.3 *D1 further discloses that the programming agent is activated to automatically perform the application corresponding with the encoded program (If the message is a command message, the application manager will parse the message into an executable command and place the executable command in the command queue for execution; see [0103]).*

Therefore, the subject matter of **claim 7** does not involve an inventive step.

- 3.4 To the person skilled in the art, the choice of *performing automatic formatting, for example of an electronic postcard*, is a selection among a number of known and

equally like alternatives that does not achieve an unexpected technical effect that goes beyond what could normally be expected in the technical field concerned.

Therefore, the subject matter of **claim 8** does not involve an inventive step.

- 3.5 The technique of *forwarding a message from a first terminal to a second terminal* is a well-known practice in the field of network communication. Therefore, to the person skilled in the art, the technique of *sending the digital data medium, after reception in the terminal to a second terminal* is not considered to be inventive.

Therefore, the subject matter of **claim 9** does not involve an inventive step.

- 3.6 The subject-matter of claims 11-13 differs from what is disclosed in *D1* in that *the code data of the programming agent are destroyed at the end of a preset period or after a preset number of activations of the programming agent*. The problem solved by these additional features can be regarded as specifying the moment in time when the code of the programming agent has to be destroyed. This problem has been recognised in *D2* and solved in the manner specified in claims 11-13 (*D2::col 3, lines 1-27*).

Therefore, the subject matter of **claims 11-13** does not involve an inventive step.

- 3.7 Because the functional interaction between the technical features of claims 14, 15 (*the process according to any one of claims 1 to 13 and the sending of a request for imaging work from a terminal to a photographic laboratory*) and between the technical features of claim 16 (*the process according to any one of claims 1 to 17 and displaying, on the screen, user interface elements adapted to the platform for executing photographic work*) and between the technical features of claim 18 (*the process according to any one of claims 1 to 17 and an imaging system to supply a multimedia application on a terminal*) does not achieve a combined technical effect which is different from the sum of the technical effects of the individual features, the subject-matter of claim 11 is merely an aggregation or juxtaposition of features and not a true combination (Guidelines C-IV, 9.5).

Therefore, the subject matter of **claims 14, 15, 16, 18** does not involve an inventive step.